

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

RALLY CONCEPTS, LLC	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 5:05-cv-00041
	§	
	§	
THE SPALDING GROUP, and	§	
THE REPUBLICAN NATIONAL	§	
COMMITTEE,	§	
	§	
Defendants.	§	
	§	

ORDER IN LIMINE

After considering Defendant The Republican National Committee's Motion in Limine and the response, the Court ORDERS Plaintiff, Rally Concepts, LLC, counsel for Plaintiff, and all witnesses called on behalf of Plaintiff to refrain from any mention or interrogation, directly or indirectly, including offering documentary evidence, about any of the following matters without first requesting and obtaining a ruling from the Court, outside the presence and hearing of all prospective jurors and jurors ultimately selected in this case, concerning any alleged theory of admissibility of the following:

Defendants' Motion in Limine No. 1:

Any reference to hearsay statements by Chip Forbes to Jerry Gossett.

_____ Granted

 _____ Denied

_____ Granted as modified to wit:

Defendants' Motion in Limine No. 2:

Any reference to hearsay statements made by Jerry Gossett's son.

Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 3:

Any reference to hearsay statements made by a fellow country club member of Jerry Gossett regarding the source of a W'04 logo.

Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 4:

Any hearsay statements by any non-party as to the source of the W'04 logo.

Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 5:

Any reference to documents not disclosed in response to Defendants' discovery requests that requested such information.

Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 6:

Testimony or reference that Plaintiff or Jerry Gossett received "mailings" from the RNC containing the W'04 logo.

Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 7:

Any expert opinion not disclosed in Plaintiff's expert witness disclosures, or reports of Plaintiff's timely designated expert witnesses.

Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 8:

Testimony or reference about the amount of money raised by the RNC, or campaign contributions received, generally or during certain election cycles unless it relates specifically to use of the W'04 logo.

Granted

Denied

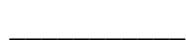
Granted as modified to wit:

Defendants' Motion in Limine No. 9:

Testimony or references regarding contracts or work that Thomas Graphics, Inc., Robert Thomas, RSD, or Robert C. Richberg, Jr. have done for Tom DeLay or TRMPAC.



Granted



Denied



Granted as modified to wit:

Defendants' Motion in Limine No. 10:

Testimony or reference to any criminal proceedings against Tom Delay or TRMPAC.



Granted



Denied



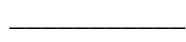
Granted as modified to wit:

Defendants' Motion in Limine No. 11:

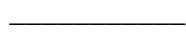
Calculations of damages not previously disclosed in answers to interrogatories or in pretrial disclosures.



Granted



Denied



Granted as modified to wit:

Defendants' Motion in Limine No. 12:

Any opinion by an expert witness that is not supported by admissible facts.

Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 13

Any evidence, statement or argument supporting an issue not contained in the final pretrial order.

Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 14:

Any argument, statement, evidence, or inference regarding witnesses who are absent or unavailable to testify.

Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 15:

Any attempt to elicit testimony from defendant about communications with any of its lawyers.

Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 16:

Any motions in limine submitted by Defendants that are overruled or denied by this Court.

Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 17:

Any pretrial rulings by this Court, including, but not limited to this Court's order granting or denying motions for summary judgment.

Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 18:

Any reference to the political affiliation, political contributions or political activities of counsel for Defendants.



Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 19:

Any reference by counsel, witnesses or opinions of experts that the RNC has failed to produce documents if such alleged failure has not been the subject of a motion to compel.

Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 20:

Any reference by counsel, witnesses or experts that the RNC has the burden of proof on issues requiring proof by Plaintiff.

Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 21:

Any reference to expenses without documentary proof which is the best evidence of such expense.

Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 22:

Reference to any "revenue" figures or campaign contributions taken from Internet documents which have not been authenticated.

Granted

Denied

Granted as modified to wit:

Defendants' Motion in Limine No. 23:

Reference to any "revenue" figures or campaign contributions made to the "Republican Party" as opposed to the Republican National Committee.

Granted

Denied

Granted as modified to wit:

SIGNED this 6th day of November, 2006.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE